

# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

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**PROPOSAL NO.: LAFCO 3220**

**HEARING DATE: October 18, 2017**

## **RESOLUTION NO. 3251**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3220 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF CHINO AND DETACHMENT FROM COUNTY SERVICE AREAS 70 AND SL-1 (PIPELINE ISLAND). The reorganization area encompasses approximately 40 acres and is generally located east of Pipeline Avenue between Hacienda and Chino Avenues.**

**On motion of Commissioner McCallon, duly seconded by Commissioner Bagley, and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, an application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was called for October 18, 2017 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, and all evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Commission does hereby determine, find, resolve, and order as follows:

### **DETERMINATIONS:**

**SECTION 1.** The proposal is approved subject to the terms and conditions hereinafter specified:

### **CONDITIONS:**

**Condition No. 1.** The boundaries are approved as set forth in Exhibits "A" and "A-1" attached.

**Condition No. 2.** The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3220.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Chino (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

**Condition No. 4.** The City of Chino shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**Condition No. 5.** Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

**Condition No. 6.** The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

**SECTION 2.** Pursuant to Government Code Section 56375.3, 56375.4, and adopted Commission policies, the Commission makes the following determinations related to the proposed reorganization:

- The City of Chino initiated the proposed reorganization by adoption of Resolution No. 2017-016 on April 18, 2017;
- The reorganization area comprises a total of 40 +/- acres, less than the 150-acre threshold outlined by statute and constitutes the entire island of unincorporated territory;
- The reorganization area is 75 percent surrounded by the City of Chino and is wholly within the City of Chino's sphere of influence;



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- The reorganization is substantially developed or developing based on the presence of existing development in the area and the availability of public services as indicated in the Plan for Service;
- The reorganization area does not contain any prime agricultural land;
- The reorganization area will benefit from the annexation to the City as reflected in the Plan for Service and the area is already benefiting from the direct receipt of water service from the City as well as a property already benefitting from the receipt of sewer service from the City;
- It is determined that this reorganization proposal complies with Government Code Section 56375.4 which requires that the island be created prior to January 1, 2014; and,
- This reorganization proposal complies with the Commission's policies related to the processing of islands in that the City has conducted a public relations/education effort prior to the consideration of the proposal by the Commission.

This proposal is also subject to the provisions of Government Code Section 56375(a)(4) which mandates Commission approval of the proposal. Therefore, having made said determinations, the Commission determines to waive the protest proceedings.

**SECTION 3. DETERMINATIONS.** The following determinations are noted in conformance with Commission policy:

1. The reorganization area is legally inhabited containing 58 registered voters as certified by the County Registrar of Voters office as of June 27, 2017.
2. The County Assessor has determined that the value of land within the reorganization area is \$3,850,000 as of September 14, 2016.
3. The reorganization area is within the sphere of influence of the City of Chino.
4. Notice of this hearing has been advertised as required by law through publication in the *Inland Valley Daily Bulletin*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to landowners and registered voters within the reorganization area (totaling 94 notices) and to landowners and registered voters approximately 1,350 feet of the exterior boundary of the reorganization area (totaling 2,211 notices). Comments from landowners and registered voters have been reviewed and considered by the Commission in making its determination.
6. The City of Chino has pre-zoned the reorganization area to RD2 (Residential, 2 units/acre), RD4.5 (Residential, 3 to 4.5 units/acre) and NC (Neighborhood Commercial). These zoning designations are consistent with the City's General Plan.



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7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3220 has no direct impact on SCAG's Regional Transportation Plan.

The Sustainable Communities Strategy includes, among others, strategies that support compact infill development as well as expanded housing and transportation choices, which approval of LAFCO 3213 will support.

8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that this reorganization is a ministerial action, required by the terms of Governmental Code Section 56375(a)(4). Without discretion in the Commission's consideration of this proposal, approval of this proposal is exempt from environmental review under the provisions of the State CEQA Guidelines. The Commission hereby adopts the Statutory Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The local agencies currently serving the area are: County of San Bernardino, Chino Valley Independent Fire Protection District, West Valley Mosquito and Vector Control District, Inland Empire Resource Conservation District, Chino Basin Water Conservation District, Inland Empire Utilities Agency and its Improvement District No. C (regional wastewater treatment provider), Metropolitan Water District of Southern California (State Water Contractor), County Service Area 70 (multi-function unincorporated area Countywide), and County Service Area SL-1 (streetlighting). Only County Service Areas 70 and SL-1 will be detached upon successful completion of this proposal. None of the other agencies are affected by this proposal as they are regional in nature.
10. The City of Chino submitted plans for the provision of services as required by Government Code Section 56653, which indicates that the City can, at a minimum, maintain the existing level of service delivery and can improve the level and range of selected services currently available in the area. The financial information presented within the City's Plan for Service indicates that the project will have a positive financial effect for the City. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.
11. The reorganization area can benefit from the availability and extension of municipal services from the City of Chino and is already benefitting from the receipt of water service from the City. In addition, a parcel within the reorganization area is also benefitting from the receipt of sewer service from the City.
12. This proposal complies with Commission policies that indicate the preference for areas proposed for future development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained. It is also consistent with State law and Commission policies that indicate the preference for all island areas to be included within the boundaries of the City surrounding them



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13. This proposal will assist the City in its ability to achieve its fair share of the regional housing needs since the reorganization area includes the area for TTM 18903, which is proposed to be developed with 38 single-family residences.
14. With respect to environmental justice, the following demographic and income profile was generated using ESRI's Community Analyst within the City of Chino and within and around the reorganization area (2017 data):

Demographic and Income Comparison	City of Chino (%)	Subject Area & adjacent Unincorporated Sphere (%)
Race and Ethnicity		
• African American Alone	6.7 %	3.5 %
• American Indian Alone	1.0 %	1.3 %
• Asian Alone	11.7 %	7.8 %
• Pacific Islander Alone	0.2 %	0.1 %
• Hispanic Origin (Any Race)	57.3 %	56.7 %
Median Household Income	\$77,432	\$75,121

The reorganization area and the surrounding unincorporated sphere area already receive water from the City. Wastewater service, if required, is also available from the City through an out-of-agency service agreement for sewer service. Fire protection is already provided by the Chino Valley Independent Fire Protection District, which serves both the City and its entire unincorporated sphere. Nonetheless, the reorganization proposal is to annex the entirety of the substantially surrounded island. Therefore, the reorganization area will continue to benefit from the extension of services and facilities from the City and, at the same time, the approval of the reorganization to annex the entirety of the substantially surrounded island will not result in the deprivation of service or the unfair treatment of any person based on race, culture or income.

15. The City and County have negotiated the transfer of ad valorem taxes as required by State law. Copies of the resolutions adopted by the City Council of the City of Chino and the San Bernardino County Board of Supervisors are on file in the LAFCO office outlining the exchange of revenues.
16. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards as determined by the County Surveyor's Office.

**SECTION 4.** The primary reason for this reorganization is to provide municipal services to the proposed 38-lot single-family residential development within the reorganization area as well as provide for a logical service boundary for the City along Pipeline Avenue.

**SECTION 5.** The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of Chino through completion of the reorganization. The regular County assessment rolls are utilized by the City of Chino.

**SECTION 6.** Approval by the Local Agency Formation Commission indicates that completion

**SECTION 7.** The Commission hereby orders the territory described in Exhibits “A” and “A-1” reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

**THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission  
for San Bernardino County by the following vote:**

**ABSENT: COMMISSIONERS: Lovingood**

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN BERNARDINO )

**DATED: October 18, 2017**

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